

Town Board Minutes

Meeting No. 32

Regular Meeting

December 2, 1996

MEETINGS TO DATE 32
NO. OF REGULARS 22
NO. OF SPECIALS 10

Page 891
LANCASTER, NEW YORK
DECEMBER 2, 1996

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 2nd day of December 1996 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR

PERSONS ADDRESSING TOWN BOARD:

Stamy, Karen, Environmental Attorney, 1 Grimsby Drive, Hamburg, and David Olea spoke to the Town Board on the following matter:

The location of a cellular tower on town-owned property in the Transit Road/Pierce Avenue area.

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matters:

1. Lighting at the Tops site. Mitigation measures to reduce.
2. Approvals of detention ponds in Lancaster.

Heckle, Robert, 706 Pavement Road, spoke to the Town Board on the following matters:

1. Status of suspended resolutions.
2. Retention of Fox & Co. for 1996 annual audit.

Kotwicki, Joyce, 245 Stony Road, spoke to the Town Board on the following matter:

1. The present status of a drainage problem on her property.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon proposed amendments to the Permit And Application Fees Ordinance, designated as Chapter 30 of the Code of the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

None

ADDRESS

OPPOSERS

Joseph McIvor

ADDRESS

91 Eastwood Parkway

COMMENTS & QUESTIONS

ADDRESS

James Guenther

Gloria Kubicki

562 Pavement Road

15 Maple Drive

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:45 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:

At 8:45 P.M., the Town Board held a Public Hearing to hear all interested persons upon the a Proposed Local Law of the Year 1996, which Local Law repeals in its entirety, Section 30-40 of Article II of Chapter 30 of the Code of the Town of Lancaster, entitled "Public Safety Impact Fee" and enacts in place thereof a new Section 30-4- of Article II of Chapter 30, entitled "Public Safety Impact Fee Law" of the Code of the said Town.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

None

OPPOSERS

None

COMMENTS & QUESTIONS

Gloria Kubicki

ADDRESS

15 Maple Drive

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:50 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PUBLIC HEARING SCHEDULED FOR 8:50 P.M.:

At 8:50 P.M., the Town Board held a Public Hearing to hear all interested persons upon the Josela Enterprises Inc. rezone petition for property located on the west side of Steinfeldt Road, north of Broadway, from a R1-Residential District One, to a R-2, Residential District Two.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

Michael Giallanza
Jeff Palumbo, Attorney for the petitioner

ADDRESS

5653 Broadway

OPPOSERS

Donald Diebold
Robert Kleinfelder
Norman Bastian
Ray Gwarek
Gary Klein

ADDRESS

36 Steinfeldt Road
15 Steinfeldt Road
5747 Genesee Street
897 Erie Street
5690 Broadway

COMMENTS & QUESTIONS

Gloria Kubicki
Robert Heckl

ADDRESS

15 Maple Drive
706 Pavement Road

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 10:00 P.M.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the minutes from the Joint Meeting of the Town Board and
the Planning Board held on November 18, 1996, and the Regular Meeting of the Town Board
held on November 18, 1996, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 2, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER, TO WIT:

WHEREAS, Roy Fleck, 69 Cemetery Road, Lancaster, New York 14086 has applied for a Dumping Permit for property situated at 69 Cemetery Road within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Roy Fleck, 69 Cemetery Road, Lancaster, New York, be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 69 Cemetery Road, Lancaster, New York 14086, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Dumping is to be limited to the north side (Erie Street and Cemetery Road access road) of the property up to the existing fill.
2. All fill must consist of clean, hard fill. Demolition material is not acceptable. No building permit will be issued for fill area without proper compaction test.
3. Close monitoring of the site to prevent unauthorized dumping of non-permitted material.
4. Roads must be cleaned on a daily basis and more often if necessary.
5. No fill to be placed in or along any natural drainage without approval from the Town Engineer and any other agency having jurisdiction.
6. The height of the fill must be limited to one foot above the center line of the road and no higher than the existing properties.
7. Dumping will be allowed between the hours of 7:00 AM and 5:00 PM, Monday through Saturday. No dumping will be allowed on Sunday.
8. Site must be graded, topsoiled and seeded upon completion of filling or within one year. The banks along the creek shall be pulled back to achieve a more gradual slope. The material along the slope shall be graded uniformly and covered with 6" of clay and 4" of topsoil and seeded.

and,

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 2, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR TO WIT:

WHEREAS, the Town has received a proposal letter dated November 19, 1996
from Fox & Company, Certified Public Accountants, for the audit of General Purpose
Financial Statements as of and for the year ended December 31, 1996, and for other
services,

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board does hereby authorize the Supervisor to
countersign the Fox & Company proposal dated November 19, 1996 for the audit of
General Purpose Financial Statements as of and for the year ended December 31, 1996, and
for other services, with an approximate fee of \$24,600.00.

The question of the adoption of the following resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 2, 1996

File: RACCNTNG.ACC

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK . TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter
dated November 25, 1996, has requested the addition of a member to the active roster of said fire
association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the
addition to the membership of the Twin District Volunteer Fire Company, Inc. of the following
individual:

ADDITION

Samuel J. Magistrale Jr.
20 Sagebrush Drive
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 2, 1996

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER. WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore annually authorized the administration of a Tree Planting Program for the purpose of beautifying the rights-of-way of public highways and streets of the Town of Lancaster by furnishing shade trees, and

WHEREAS, funds have been provided in the current 1997 General Town Budget for the 1997 Tree Planting Program, and

WHEREAS, the Tree Planting Committee of the Town Board has reviewed the Town of Lancaster's Tree Planting Program and recommends the planting of certain species of trees on certain streets in accordance with the official Tree Planting Master Plan of the Town of Lancaster and specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That sealed bids be received by the Town Clerk up to 10:30 A.M., Local Time, on December 17, 1996 for meeting the requirements of the Town of Lancaster's 1997 Tree Planting Program and for supplying of trees in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Bee, and to have said Notice posted as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 2, 1996

FILE: RBOTREES (PI)

LEGAL NOTICE

**TOWN OF LANCASTER
NOTICE TO BIDDERS
OR NURSERYMEN**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk up to 10:30 A.M., Local Time, on December 17, 1996 at his office in the Town Hall, 21 Central Avenue, Lancaster, New York for meeting the requirements of the Town of Lancaster's Tree Planting Program for the year 1997 in accordance with specifications on file in the Town Clerk's Office.

Each proposal must be accompanied by a check payable to the Town of Lancaster or a bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) conditioned that, if the proposal is accepted, the bidder will enter into a contract for the same and that the bidder will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: ROBERT P. THILL
Town Clerk

December 2, 1996

File: RBOTREES (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK. WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR , TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to repeal in its entirety, Section 30-40 of Chapter 30, Article II of the Code of the Town of Lancaster, entitled "Public Safety Impact Fee", and to enact in place thereof a Local Law of the Year 1996, entitled, "Public Safety Impact Fee", designated as Section 30-40 of Chapter 30, Article II of said Code, and

WHEREAS, proposed Local Law No. 1 of the Year 1996, entitled "Public Safety Impact Fee" and designated as Section 30-40 of Chapter 30, Article II of the Code of the Town of Lancaster, was introduced to the Town Board of the said Town, on November 18, 1996, by Council Member Stempniak, and

WHEREAS, a Public Hearing was duly called and held pursuant to law on December 2, 1996;

NOW, THEREFORE, BE IT

ENACTED by the Town Board of the Town of Lancaster, Local Law No. 1 of the Year 1996, entitled: "Public Safety Impact Fee", designated as Section 30-40 of Chapter 30, Article II of the Code of the Town of Lancaster, County of Erie and State of New York, as follows:

PERMIT AND APPLICATION FEES

CHAPTER 30

**ARTICLE II
PLANNING AND DEVELOPMENT FEES**

PUBLIC SAFETY IMPACT FEE

**LOCAL LAW NO. 1
1996**

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING AND REPEALING, IN ITS ENTIRETY, SECTION 30-40, OF CHAPTER 30, ARTICLE II OF THE CODE OF THE TOWN OF LANCASTER, ENTITLED "PUBLIC SAFETY IMPACT FEE", AND REPLACING IT WITH A LOCAL LAW OF 1996 ENTITLED, "PUBLIC SAFETY IMPACT FEE" AND DESIGNATED AS CHAPTER 30, ARTICLE II, SECTION 30-40, PUBLIC SAFETY REVIEW FEE, OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

Section 1..

The Code of the Town of Lancaster is hereby amended by deleting and repealing Section 30-40 of Chapter 30, Article II of the Code, entitled "Public Safety Impact Fee".

Section 2.

The Code of the Town of Lancaster is hereby amended by adding thereto a Local Law of the Year 1996, to replace Section 30-40 "Public Safety Impact Fee" as hereinabove repealed, which shall be entitled: "Public Safety Impact Fee" and further designated as Article II, Chapter 30 of said Code, and shall read as follows:

§30-40. Public safety impact fee.

- A.** Legislative authority; title. This local law is enacted pursuant to the authority granted in §10 of the Municipal Home Rule Law of the State of New York, wherein a municipality may adopt local laws relating to property, affairs and government of the Town, and shall be known as "Local Law No.1 of the Year 1996. Public Safety Impact Fee Law of the Town of Lancaster" which shall provide for the maintenance and continuance of adequate police and fire protection services.
- B.** Impact fee required. Where application for a building permit is made to the Building Inspector of the Town of Lancaster for new construction, the following public safety impact fees shall be imposed as part of the building permit application fees:
 - (1) Single-family dwelling: two hundred fifty dollars (\$250.) per lot.
 - (2) Multiple-family dwellings: apartment houses, townhouse units and condominium units: two hundred fifty dollars (\$250.) for the first dwelling, plus two hundred dollars (\$200.) for each additional dwelling unit.

- (3) Hotel and motels: two hundred fifty dollars (\$250.) for the first sleeping unit, plus two hundred dollars (\$200.) for each additional sleeping unit.
- (4) Commercial and industrial buildings: four hundred dollars (\$400.) per acre or any part thereof.

C. When effective. This Local Law shall take effect after mailing, filing and publication as required by Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster, shall:

1. Immediately post a copy of Local Law No. 1 of the Year 1996 on the Town Bulletin Board;
2. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing same in general terms, in the Lancaster Bee, declared the official newspaper for this publication, and
3. Maintain a file in the Town Clerk's Office on Local Law No. 1 of the Year 1996, and within twenty (20) days of adoption shall file:
 - a) Town Clerk's office;
 - b) Three (3) copies with the Office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 2, 1996

File: rloclawa.d96

**LEGAL NOTICE
NOTICE OF ADOPTION
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on the 2nd day of December, 1996, Local Law No. 1 of the Year 1996, which Local Law repeals in its entirety, Section 30-40 of Chapter 30, Article II of the Code of the Town of Lancaster, entitled "Public Safety Impact Fee" and enacts in place thereof a new Section 30-40 of Article II of Chapter 30, entitled: "Public Safety Impact Fee Law" of the Code of the said Town, briefly described as follows:

"A Local Law which repeals Chapter 30-40 of Article II, Chapter 30 of the Code of the Town of Lancaster, and enacts in place thereof a new Chapter 30-40, "Public Safety Impact Fee Law.

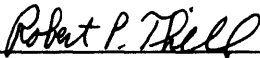
This Local Law allows the imposition of a Public Safety Impact Fee to provide for the maintenance and continuance of adequate police, fire and emergency services in the Town of Lancaster."

December 2, 1996

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY, that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of a Legal Notice of Adoption of Local Law No. 1 of the Year 1996, with the original thereof filed in my office at Lancaster, New York, on the 2nd day of December, 1996, and that the same is a true and correct copy of said Original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 2nd day of December, 1996.



Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, a Public Hearing was held on the 2nd day of December, 1996, for
the purpose of amending Chapter 30 of the Code of the Town of Lancaster, entitled "Permit and
Application Fee Ordinance", and persons and against such amendments have had an opportunity
to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted;

NOW, THEREFORE, BE IT

RESOLVED, that Chapter 30, "Permit and Application Fees Ordinance: of the
Code of the Town of Lancaster be amended as follows::

CHAPTER 30

PERMIT AND APPLICATION FEES

ARTICLE I - GENERAL FEES

**"§30-25. Recreation Filing Fee. (B) (1) and (B) (2) shall be
amended to read as follows:**

"§30-25. Recreation filing fee.

.....

B.

- 1. Single-family Dwelling: Three Hundred Fifty
Dollars. (\$350.)**
- 2. Multiple Dwelling: Three Hundred Fifty
Dollars (\$350.) for the first dwelling; plus three
hundred dollars (\$300.) For each additional
dwelling unit."**

§30-26. Tree Reforestation Fee. A, B, C and D shall be amended to read as follows:

§“30-25. Tree reforestation fee.

.....

- A. Single-family dwelling: one hundred fifty dollars (\$150.) per lot.
- B. Multiple dwelling, townhouse, condominium, apartment: one hundred fifty dollars (\$150.) for first dwelling, plus seventy-five dollars (\$75.) for each additional dwelling unit.
- C. Hotels and motels: seventy-five dollars (\$75.) for the first sleeping unit, plus fifty dollars (\$50.) for each additional sleeping unit.
- D. Commercial and industrial building: three hundred dollars (\$300.) per acre or any part thereof.”

§30-27. Conservation fee. B (1) (2) (3) and (4) shall be amended to read as follows:

“§30-27. Conservation fee.

.....

B.

- (1) Single-family dwellings: two hundred dollars (\$200.) per lot.
- (2) Multiple-family dwellings, apartment houses, townhouse units, condominium units; two hundred dollars (\$200.) for the first dwelling, plus one hundred fifty dollars (\$150.) for each additional dwelling unit.
- (3) Hotels and motels: one hundred dollars (\$100.) for the first sleeping unit, plus fifty dollars (\$50.) for each additional sleeping unit.
- (4) Commercial and industrial, buildings: three hundred dollars (\$300.) per acre or any part thereof.”

and

§30-26. Tree Reforestation Fee. A, B, C and D shall be amended to read as follows:

§30-25. Tree reforestation fee.

.....

- A. Single-family dwelling: one hundred fifty dollars (\$150.) per lot.
- B. Multiple dwelling, townhouse, condominium, apartment: one hundred fifty dollars (\$150.) for first dwelling, plus seventy-five dollars (\$75.) for each additional dwelling unit.
- C. Hotels and motels: seventy-five dollars (\$75.) for the first sleeping unit, plus fifty dollars (\$50.) for each additional sleeping unit.
- D. Commercial and industrial building: three hundred dollars (\$300.) per acre or any part thereof."

§30-27. Conservation fee. B (1) (2) (3) and (4) shall be amended to read as follows:

"§30-27. Conservation fee.

.....

B.

- (1) Single-family dwellings: two hundred dollars (\$200.) per lot.
- (2) Multiple-family dwellings, apartment houses, townhouse units, condominium units; two hundred dollars (\$200.) for the first dwelling, plus one hundred fifty dollars (\$150.) for each additional dwelling unit.
- (3) Hotels and motels: one hundred dollars (\$100.) for the first sleeping unit, plus fifty dollars (\$50.) for each additional sleeping unit.
- (4) Commercial and industrial, buildings: three hundred dollars (\$300.) per acre or any part thereof."

and

BE IT FURTHER

RESOLVED, as follows:

1. That said Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 2nd day of December, 1996;
2. That a certified copy thereof be published in the Lancaster Bee on December 5, 1996;
3. That a certified copy of this Amendment be posted on the Town Bulletin Board; and
4. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 2, 1996

**LEGAL NOTICE
NOTICE OF AMENDMENT TO
PERMIT AND APPLICATION FEES ORDINANCE
TOWN OF LANCASTER**

Chapter 30, Permit and Application Fees Ordinance of the Code of the Town of Lancaster, County of Erie, State of New York, is hereby amended as follows:

**CHAPTER 30
PERMIT AND APPLICATION FEES**

ARTICLE I - GENERAL FEES

"§30-25. Recreation Filing Fee. (B) (1) and (B) (2) shall be amended to read as follows:

"§30-25. Recreation filing fee.

.....

B.

- 1. Single-family Dwelling: Three Hundred Fifty Dollars. (\$350.)**
- 2. Multiple Dwelling: Three Hundred Fifty Dollars (\$350.) for the first dwelling; plus three hundred dollars (\$300.) For each additional dwelling unit."**

§30-26. Tree Reforestation Fee. A, B, C and D shall be amended to read as follows:

§"30-25. Tree reforestation fee.

.....

- A. Single-family dwelling: one hundred fifty dollars (\$150.) per lot.**
- B. Multiple dwelling, townhouse, condominium, apartment: one hundred fifty dollars (\$150.) for first dwelling, plus seventy-five dollars (\$75.) for each additional dwelling unit.**
- C. Hotels and motels: seventy-five dollars (\$75.) for the first sleeping unit, plus fifty dollars (\$50.) for each additional sleeping unit.**

- D. Commercial and industrial building: three hundred dollars (\$300.) per acre or any part thereof."

§30-27. Conservation fee. B (1) (2) (3) and (4) shall be amended to read as follows:

"§30-27. Conservation fee.

.....

B.

- (1) Single-family dwellings: two hundred dollars (\$200.) per lot.
- (2) Multiple-family dwellings, apartment houses, townhouse units, condominium units; two hundred dollars (\$200.) for the first dwelling, plus one hundred fifty dollars (\$150.) for each additional dwelling unit.
- (3) Hotels and motels: one hundred dollars (\$100.) for the first sleeping unit, plus fifty dollars (\$50.) for each additional sleeping unit.
- (4) Commercial and industrial, buildings: three hundred dollars (\$300.) per acre or any part thereof."

December 2, 1996

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, Robert P. Thill, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of a LEGAL NOTICE of AMENDMENT OF ORDINANCE with the original thereof filed in my office at Lancaster, New York, on the 2nd day of December, 1996, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 2nd day of December, 1996.



Town Clerk

File: rpolvehl.d96

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, or his designee, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 12th day of December, 1996, for furnishing to the Police Department of the Town of Lancaster One (1) New 1997 Four-wheel Drive Police Vehicle for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of Five Hundred Dollars (\$500.), payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **ROBERT P. THILL**
Town Clerk

December 2, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER , TO WIT:

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RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 11220 to Claim No. 11411 Inclusive

Total amount hereby authorized to be paid: **\$1,348,884.91**

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STERN	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 2, 1996

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK , WHO
 MOVED ITS ADOPTION. SECONDED BY
 COUNCIL MEMBER MONTOUR , TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

<u>No.</u>	<u>Code Applicant</u>	<u>Street Address</u>	<u>Structure</u>
3899	Advanced Bldg Systems	4238 Walden Ave	Ex. Automotive
3900	Susan Mathews	1 Harewood Run	Er. Sin. Dwlg
3901	ASI Sign Systems	4437 Walden Ave	Er. Sign
3902	Oneida Sales & Service	4437 Walden Ave	Er. Fence
3903	Ben Driss	25 Sagebrush Ln	Er. Fence
3904	William Conrad	6733 Transit Rd	Er. Retail
3905	Allcraft Homes	63 Newberry Ln	Er. Sin. Dwlg
3906	David Derkovitz	6291 Broadway	Ex. Sin. Dwlg
3907	Ryan Homes	15 Village View	Er. Sin. Dwlg
3908	Lovejoy Bldrs Inc	44 Sagebrush Ln	Er. Sin. Dwlg
3909	Woodcraft Homes	1162 Penora St	Er. Sin. Dwlg
3910 (CSW)	Sylvester Barone Bldg	215 Westwood Rd	Er. Sin. Dwlg
3911	Donald Wegst	48 Deerpath Dr	Ex. Sin. Dwlg
3912	Kulbacks Const	William St	Er. Theaters (10)
3913	Paper Factory	4779 Transit Rd	Er. Temp. Sign
3914	Brian Lorenc	5528 William St	Er. Fence
3915	Upstate Cellular	Pleasant View Dr	Er. Bldg

and,

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 2, 1996

FILE: RBLDG.2 (P1-2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has given consideration
to a local ordinance to control development of communications towers, and

WHEREAS, the Town Board after due review deems it in the public interest to
cause a moratorium on the development of such towers;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby declares a
moratorium on the development and construction of communications towers in the Town of
Lancaster for the development and construction of communications towers in the Town of
Lancaster for a period of 180 days or until such time as the Town has an ordinance in place to
control such development and rescinds the moratorium.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 2, 1996

File: rcomtwrs.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed the
Workers' Compensation program presently in place for the Town of Lancaster, and

WHEREAS, the Town Insurance Consultant, Municipal Insurance Consultants,
Inc., has after studying the present Workers' Compensation program of the Town of Lancaster,
recommended that the Town return to the standard market from the self-insurance retention
program which will be more cost effective to the Town, and

WHEREAS, the Town Board of the Town of Lancaster, after due consideration
deems it in the public interest to return to the standard market for Town of Lancaster Workers'
Compensation Insurance coverage:

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes
the Supervisor of the Town of Lancaster to place the Town of Lancaster Workers'
Compensation Insurance coverage for the year commencing January 1, 1997 in the standard
market with the assistance of the Town Insurance Consultant, Municipal Insurance Consultants,
Inc.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 2, 1996

File: rwrscmp.d96

Supervisor Giza requested a suspension of the necessary for immediate consideration of the following resolution:

SUSPENSION GRANTED.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA . WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER, TO WIT:**

WHEREAS, the Town Board of the Town of Lancaster has been advised by the firm which the Town is under contract with to schedule and complete the random testing of CDL licensed drivers for alcohol and controlled substance use, that it will, as of January 1, 1997, no longer provide this service, and

WHEREAS, the Town of Lancaster is mandated by the federal law and the regulations of the U.S. Department of Transportation to have in place local rules for the testing CDL operators, as well as a random testing procedure, and

WHEREAS, the Town has reviewed a plan for random testing services which is in compliance with federal regulations, such plan being known as Business Care Administered by St. Joseph's Hospital, 2605 Harlem Road, Cheektowaga, New York, 14225;

NOW, THEREFORE, BE IT

RESOLVED, be it resolved that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute an Agreement with Business Care of St. Joseph's Hospital, 2605 Harlem Road, Cheektowaga, New York 14225, to provide random drug and alcohol testing of CDL operators in the employment of the Town of Lancaster in compliance with the Town of Lancaster policy and federal regulation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 2, 1996

File: redlst.

COMMUNICATIONS

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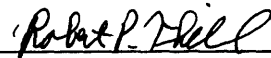
844. Four Fire Companies to Supervisor -
Notice of nonagreement re: fire contracts. **DISPOSITION:** Supervisor
845. Gabriel Orlowski to Supervisor -
Request re-evaluation of firearms ordinance. **DISPOSITION:** Public Safety Committee
846. Police Chief to Eastwood North Association Inc. -
Response to letter of 11/18/96 re: several matters. **DISPOSITION:** Public Safety Committee
847. Adelphia Cable to Supervisor -
Announcement re: two new programming services added to channel line-up.
DISPOSITION: Received and Filed
848. Marilyn Thomson to Supervisor -
Letter of appreciation for new heating/cooling unit in library. **DISPOSITION:** Received and Filed
849. Town Engineer and Building Inspector to Town Board -
Recommend acceptance, with conditions of Roy Fleck Dumping Permit.
DISPOSITION: Received and Filed
850. Town Clerk to Planning Board -
Transmittal of rezone petition of Marrano/Marc Equity for premises situate north of Walden Ave. (Trentwood Trail extension). **DISPOSITION:** Received and Filed
851. Town Clerk to Zoning Board Members, Building Inspector and Town Attorney -
Transmittal of variance petitions for meeting to be held 12/12/96. **DISPOSITION:** Received and Filed
852. Fox & Co. To Town Board -
Letter offer of contract for audit of General Purpose Finance Statements as of and for 1996 and other services. **DISPOSITION:** Received and Filed
853. Congressman Quinn to Council Member Montour -
Transmittal of copy of letter sent to US Postal Service re: Town's concerns over proposed distribution center on Como Park Blvd. **DISPOSITION:** Received and Filed
854. Twin District V.F.C. to Town Clerk -
Notice of addition of member to active roster. **DISPOSITION:** Received and Filed
855. Police Chief to Town Board -
Comments and concerns re: Transit-Wehrle Retail Center revised site plan.
DISPOSITION: Planning Committee
856. Planning Board to Town Board -
Minutes from meeting held 11/20/96. **DISPOSITION:** Received and Filed
857. Planning Board to Town Board -
Recommend Besroi Construction petition Town for rezone for premises situate at 5434 Genesee St. **DISPOSITION:** Planning Committee
858. Planning Board to Town Board -
Recommend approval of Transit-Wehrle Theater Complex revised site plan.
DISPOSITION: Planning Committee
859. Marion Turner, 4050 Elma Rd., to Town Board -
Concerns re: traffic and noise connected with the new Epic Sports Dome.
DISPOSITION: Public Safety Committee
860. NYS Div. Of Criminal Justice Services to Supervisor -
Notification of Town being recipient of award from the State share of the Federal Fiscal Year 1996 Local Law Enforcement Block Grants (LLEBG) Program.
DISPOSITION: Received and Filed

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861. Robert J. Miller & Associates to Supervisor -
Information re: grant monies which will become available. **DISPOSITION:**
Received and Filed
862. NFTA to Supervisor -
Request Town's assistance re: bus stop snow clearance. **DISPOSITION:** Received
and Filed
863. Bee Group Newspapers to Town Board -
Request designation as official newspaper for 1997. **DISPOSITION:** Received and
File
864. **Duplicate of 844.**

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPIAK, AND SECONDED BY THE
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:25 P.M.

Signed



Robert P. Thill, Town Clerk